



ABREA

1 BRIAN K. HARRIS, ESQ.

2 Nevada Bar No. 7737

3 HARRIS INJURY LAW

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9 Attorneys for Plaintiffs

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11 DISTRICT COURT

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13 CLARK COUNTY, NEVADA

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15 ERLINDA ZACARIAS; ERLINDA ZACARIAS) Case No. A-22-846332-C
16 as parent and guardian of [REDACTED]) Dept. No. 4
17 FRANCISCO ROCHA)

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19 Plaintiffs,)

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21 vs.)
22 ERNEST JOHNSON; JOWA TAX AND)
23 FINANCE, INC.; DOES 1 through 10; ROE)
24 CORPORATIONS 11-20, inclusive,)

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26 Defendants.)
27)
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17 PETITION FOR EXEMPTION FROM ARBITRATION

18 Plaintiffs ERLINDA ZACARIAS, [REDACTED] (through his guardian
19 ERLINDA ZACARIAS) and FRANCISCO ROCHA, by and through their attorney, BRIAN
20 K. HARRIS, ESQ., of the law firm of HARRIS INJURY LAW, hereby request that the
21 above-entitled matter be exempted from arbitration pursuant to Nevada Arbitration Rule 3 and
22 5 as this case:

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1. present a significant issue of public policy;
2. involves an amount in issue in excess of \$50,000.00, exclusive of interest and costs; and
3. presents unusual circumstances which constitute good cause for removal from the program.

A specific summary of the facts which support the contention for exemption are as follows:

On or June 8, 2021, Defendants, while in the course and scope of their employment and agency with other Defendants, negligently failed to properly control and operate the subject semi truck and further failed to use due care to Plaintiffs **ERLINDA ZACARIAS**, [REDACTED]

[REDACTED] a minor, and **FRANCISCO ROCHA**, by rear-ending the vehicle they were occupying causing serious injuries.

As a result of the accident, Plaintiffs **ERLINDA ZACARIAS**, [REDACTED]
a minor, and **FRANCISCO ROCHA**, sustained, among other injuries, the following:

ERLINDA ZACARIAS

Cervical Sprain / Strain

Headaches / Memory Difficulty / Dizziness

Right Otalgia and Tinnitus

C4-C5 Disc Protrusion

C5-C6 Disc Bulge

Thoracic sprain /strain

Abdominal Pain

Right Shoulder Impingement Syndrome / Bicipital Tendinitis

Lumbar sprain/strain

L4-L5 Anterolisthesis

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Plaintiff **ERLINDA ZACARIAS**'s medical bills are as follows:

1	1. UMC	\$	15,165.78
2	2. Sound Physicians Emergency Med	\$	1,196.00
3	3. Desert Radiologists	\$	2,118.00
4	4. Lyons Physical Therapy	\$	22,475.00
5	5. OpenSided MRI	\$	3,290.00
6	6. Andrea Haag, LMT	\$	1,200.00
7	7. Epion Institute for Spine & Joint Pain	\$	48,200.00
8	8. Las Vegas Radiology	\$	1,650.00
9	9. Red Rock Surgery Center	\$	49,795.00
10	10. Valley Anesthesiology Consultants	\$	5,400.00
11	11. Advanced Orthopedics & Sports	\$	1,196.63
12		TOTAL	\$ 151,686.41
13			=====

14 [REDACTED]
 15 Headaches / Memory Loss

16 Cervical sprain / strain

17 Thoracic sprain /strain

18 Right Shoulder Tendinosis & Partial Tear

19 Lumbar sprain / strain

20 Plaintiff [REDACTED] Medical Bills are as follows:

21	1. Lyons Physical Therapy	\$	14,140.00
22	2. Gobinder Chopra, M.D	\$	1,300.00
23	3. Las Vegas Radiology	\$	2,750.00
24		TOTAL	\$ 18,190.00
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FRANCISCO ROCHA

1 Headaches / Memory Difficulty / Dizziness
 2 Cervical Sprain / Strain
 3 Thoracic sprain /strain
 4 Lumbar sprain/strain
 5 L3-L4 / L4-L5 / L5-S1 Disc Bulges / Dessimination

6 Plaintiff **FRANCISCO ROCHA**'s medical bills are as follows:

7	1. John Lyons Physical Therapy	\$	Requested
8	2. Pueblo Medical Imaging	\$	3,600.00
9	3. Andrea Haag, LMT	\$	Requested
10	4. Prescriptions	\$	40.38
11	5. Epion Institute for Spine & Joint Pain	\$	27,500.00
12	6. Red Rock Surgery Center	\$	40,247.00
13	7. Valle Anesthesiology Consultants	\$	5,200.00
14	8. Stuart Kaplan, M.D.	\$	1,000.00
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16	TOTAL	\$	77,587.38

17 I hereby certify pursuant to NRCP 11 this case to be within the exemption(s) marked
 18 above and am aware of the sanctions which may be imposed against any attorney or party who
 19 without good cause or justification attempts to remove a case from the arbitration program.

20 DATED this 14th day of March, 2022.

21 **HARRIS & HARRIS**

23 By: /s/ BRIAN K. HARRIS

24 BRIAN K. HARRIS, ESQ.

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 Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14 day of March, 2022, I served a true and correct copy of the foregoing **PETITION FOR EXEMPTION FROM ARBITRATION**, addressed to the following counsel of record at the following address(es):

VIA U.S. MAIL: by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as indicated on service list below in the United States mail at Las Vegas, Nevada.

VIA FACSIMILE: by causing a true copy thereof to be telecopied to the number indicated on the service list below.

VIA ELECTRONIC: FILE ONLY / FILE AND SERVE / SERVICE ONLY by causing a true copy thereof to be electronically submitted through WIZNET, the Eighth Judicial District Court efilng program.

VIA PERSONAL DELIVERY: by causing a true copy hereof to be hand delivered on this date to the addressee(s) at the address(es) set forth on the service list below.

Lucian J. Greco, Jr., Esq.
Devin R. Gifford, Esq.
Matthew J. Cook, Esq.

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